

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

9/ Ltr of Patent

Applicant : NABIL N. GHALY
For : ELECTRONIC HAND HELD LOGIC GAME
Reissue application of U.S.
Patent No. 5,286,037
Issued February 15, 1994
Serial No. : 08/376,789
Filed : January 23, 1995
Attorney Docket : 0151-125P

RECEIPT

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Surrender of the original Letters Patent No. 5,286,037 of
February 15, 1994 by the Patent and Trademark Office is
acknowledged.

Mike O'Neill
Mike O'Neill, Patent Examiner,
Group 3304

The rejections of claims 44 and 45 under 35 U.S.C. § 112, second paragraph, are maintained and incorporated herein.

The reissue declaration filed with this application is defective because it fails to particularly specify the errors and how the errors relied upon arose or occurred as required under 37 CFR 1.175(a)(5). Section (a)(5) has two specific requirements (to particularly specify): (1) "the errors relied upon" and (2) "how they arose or occurred." In order to comply with (1) the Applicant should list the errors in each claim within the declaration in quotes, like for example, the manner he has done for the deletion of the "housing" limitation in claim 1. Once this is done, the Applicant needs to particularly specify how each error listed arose or occurred. The "how" within (2) includes when (as in giving the day, month and year) and under what circumstances (e.g. what was going on at that time, what was being done by each person affecting the application, how was it being done, etc.) the errors arose or occurred. A good way to satisfy these requirements of section (a)(5) is to create a timeline from the moment of conception to the moment of issue and describe the events therebetween. Applicant's format addressing individually each claim within the supplemental declaration is correct and is appreciated.

Claims 1 through 62 are rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251.

Serial Number: 08/376,789
Art Unit: 3304

-3-

The Applicant's remarks filed 10-4-96 have been fully considered but are not persuasive. The Examiner respectfully disagrees with the Applicant position about the definiteness of claim 44. The Examiner has "diagrammed" the claim numerous times and cannot link element "b)" to any other element within the claim. All other elements can be linked in a certain manner.

Claims 1 through 62 are not rejected under art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Serial Number: 08/376,789
Art Unit: 3304

-4-

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Michael O'Neill whose telephone number is (703) 308-2656.

ull encl

Michael O'Neill
January 15, 1997


JESSICA HARRISON
SUPERVISORY PATENT EXAMINER
GROUP 3300